

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF TENNESSEE AT CHATTANOOGA

NIKOLAS SHIPLEY,

Plaintiff,

v.

CHATTANOOGA POLICE DEPARTMENT OFFICER)
DARNELL BRYANT, BADGE # 395,)
CHATTANOOGA POLICE DEPARTMENT OFFICER)
SERRET, BADGE # 845,)
CHATTANOOGA POLICE DEPARTMENT OFFICER)
BUCKLEY, BADGE # 1126, AND CITY OF)
CHATTANOOGA, TENNESSEE)

Defendants.

Case No: 1:23-CV-299-KAC-MJD

AFFIDAVIT OF NIKOLAS SHIPLEY

**STATE OF TENNESSEE
COUNTY OF HAMILTON**

Nikolas Shipley deposes and states as follows:

1. I am an adult living in Hamilton County, Tennessee and have personal knowledge
knowledge of the matters stated in this Affidavit.

2. I am the C.E.O. of Happy Hemp Farmacy ("Happy"): Wellness and Dab Bar
which is

located at 3010 Cummings Hwy Chattanooga, TN 37419. Happy is a dispensary of
hemp

and hemp related products. All products sold by Happy are legal to be possessed, bought, and sold in the State of Tennessee. Happy complies with all state and federal regulations

related to hemp and hemp related products.

3. Hemp and its derivatives are legal for sale in the State of Tennessee.

4. Hemp and marijuana come from the same plant known as Cannabis.

Hemp and marijuana are identical in appearance, texture, touch, and smell.

5. I am familiar with the hemp industry across the State of Tennessee.

6. On December 18, 2022, my former girlfriend, Tiffany Harris, and I visited Rock City on Lookout Mountain in Tennessee and Georgia. After visiting Rock City, I began to drive home but first stopped at a Raceway gas station located at 2528 Broad Street in Chattanooga, Tennessee.

7. After making appropriate purchases at the Raceway, I left the gas station and drove down Broad Street with intentions of going home.

8. I am the owner and operator of the vehicle which was pulled over by the City of Chattanooga's Police Department at or near the 3500 block of Broad Street in

Chattanooga, Tennessee. Some of the windows in my vehicle are tinted.

9. I paid a professional window tint installer to tint my windows in accordance with Tennessee law.

10. After I was stopped, Darnell Bryant, CPD officer, approached me on the driver's side window and informed me that my windows appeared to be too dark. Officers

Serret and Buckley also arrived on scene to serve as backup to Bryant.

11. Bryant never stated any particularized familiarity with the State of

Tennessee's window tint law codified at Tenn. Code Ann. § 55-9-107. Furthermore,

Bryant never explained his history of investigating window tint violations. He also failed consider any margin of error associated with window tint meters.

12. When Bryant pulled me over, he did not state "it smelled like marijuana."

13. Serret and Buckley never stated their familiarity with the State of Tennessee's window tint law.

14. I was forced by the individual defendants to exit my vehicle where I was patted down and investigated by Bryant and Serret. Bryant and Serret worked together and seized a firearm and holster off my physical person.

15. I owned the holster and firearm. The firearm was legally obtained and I had a concealed carry permit in the State of Tennessee. I explained the same to Bryant, Serret, and Buckley.

16. I explained to Bryant, Serret, and Buckley that I owned and operated a hemp dispensary in Lookout Valley.

17. I had no illegal narcotics or substances on my person or in my vehicle. The hemp related products were legally obtained in the State of Tennessee.

18. I did not consume illegal marijuana prior to leaving Rocky City or inside of my vehicle prior to the traffic stop.

19. There was no marijuana about my person or in my vehicle. None was found.

20. Despite having no illegal substances, Bryant, Serret, and Buckley searched my person, my automobile's interior, and my automobile's trunk. These searches were conducted in my presence. I could view the searches and hear the individual defendants discuss the search.

21. Hemp related products such as CBD gummies and Hemp Oil were taken

from a backpack which was located in my vehicle's trunk. The CBD gummies and Hemp

Oil had been in the backpack for several weeks if not months. These items were seized by Bryant, Serret, and Buckley. The items were alleged placed into the Defendant City's property division.

22. At the conclusion of the traffic stop, my passenger, Tiffany Harris, was arrested and charged with Possession of Methamphetamine. I did not know she had methamphetamine in her possession.

23. Bryant gave me a citation charging me with illegal poss. However, the Citation was either lost or never turned into the Hamilton County Court System.

24. After this incident, I had to hire legal counsel. Since the issued citation was either or lost or never handled appropriately, I did not face a criminal charge. My legal counsel had to arrange with Defendant City for me to pick up my firearm from the City's property division.

25. Upon presentation to the City's Property Division, the firearm seized by the City was returned to my possession. I asked for all other items that were seized such as the holster and hemp products. I was advised by the City's Property Division that no property other than the firearm had been placed into custody of the Property Division.

26. I never regained possession of the holster for the firearm or the hemp products despite respectfully asking for their safe return.

27. That the City employed Officers Bryant, Serret, and Buckley as law enforcement officers with the authority to arrest and cite individuals with violations of Tennessee crimes.

28. Officers Bryant, Serret, and Buckley never explained to me their experience in investigating marijuana cases nor did they explain or demonstrate their experience in distinguishing legal hemp from illegal marijuana. It appeared from their actions and words that they lack any relevant training or education.

29. This incident and its aftermath have caused me to experience differing bouts with anxiety, depression, and tension. These bouts did not occur prior to this incident.

30. Since this incident, I have noticed an increase of law enforcement traffic in the parking lot of my business, Happy Hemp Farmacy. Each time I observe law enforcement or am told about their presence near my business, I immediately experience increased anxiety and physical strain which places me in a fight or flight experience.

31. Reviewing and signing this affidavit makes me experience all the events of this incident all over again. These physical and mental experiences are ongoing since this incident.

32. I was stopped and arrested by Officers Bryant, Serret, and Buckley. They took legal items which were mine and in my possession. I only got one item of personal property back despite all items being legal for possession in the State of Tennessee.

FURTHER DEPONENT SAYETH NOT.

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct. Executed on this the 10th day of March 2025.


NIKOLAS SHIPLEY



